UNITED STATES PATENT AND TRADEMARK OFFICE

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SAP/BLAKELY
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
MEHRMANESH, ELMIRA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-54* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to an amendment filed September 14, 2007 for the application of KOLB et al., for a "SYSTEM AND METHOD FOR TESTING APPLICATIONS AT THE BUSINESS LAYER" filed October 13, 2003.

Claims 28-54 are pending in the application.

Claims 1-27 are cancelled.

Claims 28, 29, 31-38, 40-47, and 49-54 are rejected under 35 USC § 102.

Claims 30, 39, and 48 are rejected under 35 USC § 103.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 29, 31-38, 40-47, and 49-54 are rejected under 35 U.S.C. 102(b) as being anticipated by McMahon et al. (U.S. Patent No. 5,758,062).

As per claim 28, McMahon discloses a method in a test control program comprising:

sending a plurality of predetermined inputs to a first instance of an application

operating at a business layer within a multi-tier application architecture (Fig. 8, element

310)

receiving a plurality of outputs from the first instance of the application

responsive to the predetermined inputs (Fig. 8, elements 312, 325)

associating each output with one of the predetermined inputs, each output

establishing a proper response (Fig. 8, element 325) from the application to compare

with results from a second instance of the application (Fig. 9, element 355).

As per claim 29, McMahon discloses storing the plurality of predetermined inputs

and associated outputs in an application independent format (col. 19, lines 55-60).

As per claim 31, McMahon discloses providing the plurality of predetermined

inputs in the geographic-neutral and linguistic-neutral format to a presentation layer

associated with the application, the presentation layer preparing the predetermined

inputs according to predefined presentation logic and generating presentation layer

output responsive to the plurality of predetermined inputs provided (col. 6, lines 37-45);

and comparing the presentation layer output with the plurality of outputs from the

first instance of the application (Fig. 9, element 355).

As per claim 32, McMahon discloses storing the plurality of predetermined inputs

and associated outputs within a test library, wherein the test library is accessible via a

test script, the test script used to test the second instance of the application (col. 23,

lines 55-67).

As per claim 33, McMahon discloses the second instance of the application

comprises an application under test, wherein the application under test is used to

generate test results for comparison with the plurality of outputs from the first instance

of the application (Fig. 9, element 355).

As per claim 34, McMahon discloses sending the plurality of predetermined

inputs to the second instance of the application via a Uniform Resource Locator

("URL"), (col. 9, lines 1-7) wherein sending the plurality of predetermined inputs via the

URL comprises sending the plurality of predetermined inputs to the business layer of

the application, bypassing a presentation layer associated with the application (col. 6,

lines 51-57).

As per claim 35, McMahon discloses receiving test results from the second

instance of the application; and comparing the test results with the plurality of outputs

from the first instance of the application (Fig. 9, element 355).

As per claim 36, McMahon discloses specifying via the URL, a network location

accessible to the second instance of the application to store test results generated in

response to the plurality of predetermined inputs sent to the second instance of the

application (col. 9, lines 1-7) and (col. 6, lines 51-57).

As per claim 37, McMahon discloses a test control system comprising: means for

sending a plurality of predetermined inputs to a first instance of an application operating

at a business layer within a multi-tier application architecture (Fig. 8, element 310)

means for receiving a plurality of outputs from the first instance of the application

responsive to the predetermined inputs (Fig. 8, elements 312, 325); and

means for associating each output with one of the predetermined inputs, each

output establishing a proper response (Fig. 8, element 325) from the application to

compare with results from a second instance of the application (Fig. 9, element 355).

As per claim 38, McMahon discloses means for storing the plurality of

predetermined inputs and associated outputs in an application independent format (col.

19, lines 55-60).

As per claim 40, McMahon discloses means for providing the plurality of

predetermined inputs in the geographic-neutral and linguistic-neutral format to a

presentation layer associated with the application, the presentation layer preparing the

predetermined inputs according to predefined presentation logic and generating

presentation layer output responsive to the plurality of predetermined inputs provided

(col. 6, lines 37-45); and means for comparing the presentation layer output with the plurality of outputs from the first instance of the application (Fig. 9, element 355).

As per claim 41, McMahon discloses means for storing the plurality of predetermined inputs and associated outputs within a test library, wherein the test library is accessible via a test script, the test script used to test the second instance of the application (col. 23, lines 55-67).

As per claim 42, McMahon discloses the second instance of the application comprises an application under test, wherein the application under test is used to generate test results for comparison with the plurality of outputs from the first instance of the application (Fig. 9, element 355).

As per claim 43, McMahon discloses means for sending the plurality of predetermined inputs to the second instance of the application via a Uniform Resource Locator ("URL"), (col. 9, lines 1-7) wherein sending the plurality of predetermined inputs via the URL comprises sending the plurality of predetermined inputs to the business layer of the application, bypassing a presentation layer associated with the application (col. 6, lines 51-57).

As per claim 44, McMahon discloses means for receiving test results from the second instance of the application; and means for comparing the test results with the plurality of outputs from the first instance of the application (Fig. 9, element 355).

As per claim 45, McMahon discloses means for specifying via the URL, a network location accessible to the second instance of the application to store test results generated in response to the plurality of predetermined inputs sent to the second instance of the application (col. 9, lines 1-7) and (col. 6, lines 51-57).

As per claim 46, McMahon discloses a computing device having test control instructions stored thereon that, when executed by a processor, cause the processor to perform operations comprising: sending a plurality of predetermined inputs to a first instance of an application operating at a business layer within a multi-tier application architecture (Fig. 8, element 310)

receiving a plurality of outputs from the first instance of the application responsive to the predetermined inputs (Fig. 8, elements 312, 325)

associating each output with one of the predetermined inputs, each output establishing a proper response (Fig. 8, element 325) from the application to compare with results from a second instance of the application (Fig. 9, element 355).

As per claim 47, McMahon discloses the test control instructions cause the processor to perform further operations comprising: storing the plurality of

predetermined inputs and associated outputs in an application independent format (col. 19, lines 55-60).

As per claim 49, McMahon discloses the test control instructions cause the processor to perform further operations comprising:

providing the plurality of predetermined inputs in the geographic-neutral and linguistic-neutral format to a presentation layer associated with the application, the presentation layer preparing the predetermined inputs according to predefined presentation logic and generating presentation layer output responsive to the plurality of predetermined inputs provided (col. 6, lines 37-45); and comparing the presentation layer output with the plurality of outputs from the first instance of the application (Fig. 9, element 355).

As per claim 50, McMahon discloses the test control instructions cause the processor to perform further operations comprising: storing the plurality of predetermined inputs and associated outputs within a test library, wherein the test library is accessible via a test script, the test script used to test the second instance of the application (col. 23, lines 55-67).

As per claim 51, McMahon discloses the second instance of the application comprises an application under test, wherein the application under test is used to

generate test results for comparison with the plurality of outputs from the first instance

of the application (Fig. 9, element 355).

As per claim 52, McMahon discloses the test control instructions cause the

processor to perform further operations comprising: sending the plurality of

predetermined inputs to the second instance of the application via a Uniform Resource

Locator ("URL"), (col. 9, lines 1-7) wherein sending the plurality of predetermined inputs

via the URL comprises sending the plurality of predetermined inputs to the business

layer of the application, bypassing a presentation layer associated with the application

(col. 6, lines 51-57).

As per claim 53, McMahon discloses the test control instructions cause the

processor to perform further operations comprising: receiving test results from the

second instance of the application; and comparing the test results with the plurality of

outputs from the first instance of the application (Fig. 9, element 355).

As per claim 54, McMahon discloses the test control instructions cause the

processor to perform further operations comprising: specifying via the URL, a network

location accessible to the second instance of the application to store test results

generated in response to the plurality of predetermined inputs sent to the second

instance of the application (col. 9, lines 1-7) and (col. 6, lines 51-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 30, 39, and 48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McMahon et al. (U.S. Patent No. 5,758,062) in view of Robertson

(U.S. Patent No. 6,697,967).

As per claims 30, 39, and 48 McMahon discloses of standard ASCII text file

format (col. 9, lines 55-60). However McMahon fails to explicitly disclose the XML file

format.

As per claim 30, Robertson teaches storing the plurality of predetermined inputs

and associated outputs in the application independent format comprises:

translating the plurality of predetermined inputs and associated outputs into a

geographic-neutral and linguistic-neutral format based on a predefined Extensible

Markup Language ("XML") schema (col. 7, lines 49-54).

As per claim 39, Robertson teaches storing the plurality of predetermined inputs

and associated outputs in the application independent format comprises: means for

translating the plurality of predetermined inputs and associated outputs into a

geographic-neutral and linguistic-neutral format based on a predefined Extensible

Markup Language ("XML") schema (col. 7, lines 49-54).

As per claim 48, Robertson teaches storing the plurality of predetermined inputs

and associated outputs in the application independent format comprises: translating the

plurality of predetermined inputs and associated outputs into a geographic-neutral and

linguistic-neutral format based on a predefined Extensible Markup Language ("XML")

schema (col. 7, lines 49-54).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the method of regression testing of McMahon et al. in combination with

the automated software testing system of Robertson to effectively test software.

One of ordinary skill in the art at the time of the invention would have been

motivated to make the combination because McMahon discloses of standard ASCII text

file format (col. 9, lines 55-60). Robertson's XML files (col. 7, lines 49-54) are also ASCII

files.

Response to Arguments

Applicant's arguments with respect to claims 28-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1 .136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1 .136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elmira Mehrmanesh whose telephone number is (571) 272-5531. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100